

### **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed December 23, 2008. Claims 1-30 stand rejected. In this Amendment, claims 1, 7, 10-12, 15, 21, 25, 26, 29 and 30 have been amended. No claims have been canceled. No new claims have been added. No new matter has been added.

### **Objections**

The Examiner objected to claim 10 as being of improper dependent form. Claim 10 has been amended accordingly. Therefore, applicants respectfully request the objection to claim 10 be removed.

### **35 U.S.C. §101**

The Examiner has rejected claims 1-30 under 35 U.S.C. §101 as being directed to non-statutory subject matter and lack a physical transformation or a useful, tangible, and concrete result. (Office Action dated Dec. 23, 2008, p.2). In particular, the Examiner states that claims 1-14 are not proper process claims because they are not tied to another statutory class, but directed to abstract ideas, namely solving a plurality of mathematical equations to generate mathematical representations for hypothetical objects. (Office Action dated Dec. 23, 2008, p.3). In addition, the Examiner states that insignificant post-solution activity will not transform an unpatentable principle into a patentable process. (Office Action dated Dec. 23, 2008, p.3).

Claim 1 has been amended to recite a method by a client computer (e.g., as described by client computer 1006 of Figure 10, computer system 1300 of Figure 13).

Therefore, applicants respectfully submit that claim 1 describes a particular machine and thus, is directed to statutory subject matter. Moreover, claim 1 describes a useful and tangible result. The tangible result is the digital model of the object. It is useful to a user because the user provides behavioral parameters and receives a digital model of an object. In addition, claim 1 does more than merely "solv[e] a plurality of mathematical equations to generate mathematical representations for hypothetical objects." Claim 1 creates a digital model of an object by determining which body partitions from the predefined set correspond to individual design features of the object and assigning contributing volumes created by the design features to corresponding body partitions. Furthermore, in claim 1, creating the digital model is not post-solution activity, but rather integral to the creation of a digital model of an object. A method for creating a digital model of an object includes the creation of the digital model. Therefore, applicants respectfully submit that claim 1 recites statutory subject matter.

The Examiner states that claim 30 is not statutory because the claim is broad enough to encompass non-statutory embodiments, namely carrier waves. (Office Action dated Dec. 23, 2008, p.3). Specifically, the Examiner points to page 27 of the specification for disclosing "The term "computer-readable medium" shall accordingly be taken to included, but not be limited to, solid-state memories, optical and magnetic disks, and carrier wave signals." (Office Action dated Dec. 23, 2008, p.3). The specification at paragraph [0091] on page 27 has been amended to remove the reference to a carrier wave. In addition, the specification at paragraph [0026] has been amended to remove the reference to a carrier wave.

In addition, the Examiner states that claim 30 is not statutory because claim 30 is directed to abstract ideas. Claim 30 is not directed to abstract ideas because claim 30 describes creating a digital model. In particular, claim 30 describes a computer

readable storage medium comprising executable instructions which when executed on a processing system cause said processing system to create a digital model of the object. Claim 30 does not recite "a computer that solely calculates a mathematical formula ... or a computer disk that solely stores a mathematical formula" because claim 30 describes determining which body partitions from the predefined set correspond to individual design features of the object and assigning contributing volumes created by the design features to corresponding body partitions to create the digital model. (Emphasis added).

Therefore, applicants respectfully request that the Examiner withdraw the rejection of claim 30 under 35 U.S.C. §101.

#### **Allowable Subject Matter**

Applicants thanks the Examiner for indicating that claims 1-30 would be allowable if all the other rejections/objections are traversed.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicants hereby request such extension.

Respectfully submitted,

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